(5)

1

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

Cr.M.P NO. 189 / 2006

Single Bench

APPLICANTS

1) Yugal kishore patel,
S/o Manharan Lal Patel
Aged about 26 years,

2) Manharan Lal Patel
S/o Late Badriprasad Patel
Aged 55 years

3) Laxmi Bai Patel
W/o Manharanlal Patel
Aged about 50 years

4) Dwarika Prasad Patel
S/o Manharan Lal Patel
Aged about 30 years

5) Triyogi Patel
S/o Manharan Lal Patel
Aged about 20 years

All are residents village Parsahi,
P.S- Akaltara, Dist- Janjgir Champa (C.G)

4962/06
16.11.06
Shri H.S. Ahluwalia Advocate
R. S.D.R. (M)

CERTIFIED COPY
16/11/06
CLERK to A. G. [illegible]

Versus

NON APPLICANTS

1) State of Chhattisgarh
Through SHO Kusmunda
Dist- Korba (CG)

2) Uma patel
W/o Jugal Kishore Patel
Aged about 24 years
R/o residents village Parsahi,
P.S- Akaltara, Dist- Janjgir Champa

APPLICATION UNDER SECTION 482 OF CODE OF CRIMINAL PROCEDURE FOR QUASHING OF CHARGE SHEET & PROCEEDINGS

HIGH COURT OF CHHATTISGARH, BILASPUR

Cr.M.P. No. 189 of 2006

Yugal Kishore Patel & others

Vs.

State of Chhattisgarh & another

Appearance:

Shri G.S. Ahluwalia, Advocate along with accused/petitioners namely Yugal Kishore Patel and Dwarika Prasad Patel are present in person.

Shri G.K. Beriwal, Dy. Advocate General, for the State/respondent No.1.

Respondent No.2- Smt. Uma Patel is present in person.

ORAL ORDER
(01.12.2006)

SUNIL KUMAR SINHA,J.

(1) This petition is filed under Section 482 of the Code of Criminal Procedure for quashing the proceedings of Criminal Case. No. 960/2004, pending in the Court of JMFC, Katghora, District-Korba (CG) under Section 498-A of IPC.

(2) The facts, as stated by both the parties, are that petitioner No.1 was married with respondent No.2 on 11.4.2003. On some dispute between the parties, respondent No.2 (Wife) lodged the F.I.R. vide Crime No. 262/2004 on 20.5.2004, on which, an offence under Section 498-A read with Section 34 of IPC was registered against the accused persons, who are husband, father-in-law, mother-in-law, *Jeth* and *Dewar*. Thereafter a charge-sheet was filed before the concerned Magistrate and the trial was going on. It appears that during the course of trial, respondent No.2 was examined by the Magistrate on 18th January, 2006 as PW-1 and in her statement also, she stated that the dispute between the parties has been compromised and she is residing with her husband. The statement of respondent No.2 is filed as Annexure-

A/3. Thereafter, an application for compounding the case was filed by the parties, which was taken up for hearing by the Magistrate on 10.2.2006. It appears from the order-sheet dated 10.2.2006 that the aforesaid application was dismissed by the Magistrate holding that the offence under Section 498-A IPC was not a compoundable offence. It is after this, the present petition has been filed before this Court, in which today the parties are present and have prayed for quashing the criminal case and have given their consent which is duly recorded by this Court (Please see the order-sheet dated 01.12.2006).

(3) The jurisdiction of the High Court under Section 482 Cr.P.C. regarding quashment of a proceeding under Section 498-A IPC in view of Section 320 Cr.P.C. is no longer *res-integra*. It has been observed by the Apex Court in the matter of ***B.S. Joshi and others –Vs- State of Haryana & another, 2003 (2) CGLJ 35*** that 'there is no doubt that the object of introducing Chapter XX-A containing Section 498-A in the Indian Penal Code was to prevent torture to a woman by her husband or by relatives of her husband. Section 498-A was added with a view to punishing a husband and his relatives who harass or torture the wife to coerce her or her relatives to satisfy unlawful demands of dowry. The hyper-technical view would be counter-productive and would act against interests of women and against the object for which this provision was added. There is every likelihood that non-exercise of inherent power to quash the proceedings to meet the ends of justice would prevent women from settling earlier. That is not the object of Chapter XX-A of the Indian Penal Code.' Observing this, the Apex Court laid down that such proceedings can be quashed by the High Court under Section 482 Cr.P.C. in its inherent jurisdiction.

(4) After hearing the parties in person, I am satisfied that they have settled their dispute amicably and intervention by this Court under Section 482 Cr.P.C. by quashing the criminal proceedings

would meet the ends of justice and in the prevailing facts and circumstances, it should not be allowed to continue.

(5) For the foregoing reasons, this petition is allowed and the proceedings of Criminal Case No. 960/2004 pending in the Court of J.M.F.C., Katghora, District- Korba are hereby quashed.

(6) Before parting with the order this Court appreciates the efforts made by Smt. Kumud Lata Dutt in patching of the difference between two families. There shall be no order as to cost.

Sd/-
Sunil Kumar Sinha
Judge

sh/vatti